

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

Jeffery Day,

*Plaintiff,*

v.

Case No. 3:16-cv-437  
Judge Thomas M. Rose

Kim DeLong, et al.,

*Defendants.*

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**DECISION AND ENTRY ADOPTING REPORT AND  
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE  
OVINGTON (DOC. 47), OVERRULING DEFENDANTS' OBJECTIONS  
TO THE MAGISTRATE'S REPORT AND RECOMMENDATIONS, (DOC.  
48), AND DENYING MOTION FOR JUDGMENT ON THE PLEADINGS.  
(DOC. 30).**

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The instant action brings claims of constitutional violations under 42 U.S.C. § 1983 and various state law claims. (Doc. 1). Pending before the Court are Defendants' Objections to Magistrate Judge Sharon Ovington's Report and Recommendations. (Doc. 48). The Report and Recommendations of United States Magistrate Judge Sharon L. Ovington, (Doc. 47), recommends that the Court deny Defendants' Motion for Judgment on the Pleadings. (Doc. 30).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Defendants' objections, (Doc. 48), to the Magistrate Judge's Report and Recommendations, (Doc. 47), are not well taken and they are hereby **OVERRULED**. Wherefore, the Court **ADOPTS IN FULL** the Magistrate Judge's Report and Recommendations. (Doc. 47). Defendants' Motion for

Judgment on the Pleadings (Doc. 30) is **DENIED**.

**DONE** and **ORDERED** this Wednesday, January 10, 2018.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE